



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1998

Ms. Dianne Eagleton, Supervisor
Records Division
North Richland Hills Police Department
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR98-2580

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119247.

The City of North Richland Hills Police Department received a request from a parent concerning an alleged sexual assault of the requestor's child. You assert that the requested information is confidential under section 552.101 of the Government Code.

Section 552.101 excepts information from public disclosure when the information is confidential by law. Subsection (a) of section 261.201 of the Family Code provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

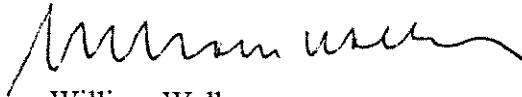
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

We have reviewed the information you submitted as responsive to the request and determined that it consists of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261. Thus, the requested information may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the City of North Richland Hills Police Department, which investigated the allegation. Since you have not informed this office that the city's police department has adopted rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed by the city. *But see id.* § 261.201(g) (release of chapter 261 records to parent by Department of Protective and Regulatory Services).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", with a stylized, flowing script.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119247

Enclosures: Submitted documents